

REMARKS

Information Disclosure Statement

In order to insure compliance with Applicant's duty of disclosure, enclosed is form PTO/SB/08 (4 sheets). Copies of references 41 and 42 on sheet 4 are enclosed.

References 1, 2, 3, 41, and 42 were cited in the International Search Report. Reference 1 (U.S. patent 6,134,806 to Dhaemers) was also cited by Applicant in the application. With the exception of reference 3 (Grimarml), these references are discussed hereinafter. References 37 to 40 on sheet 3 disclose various enclosures for hanging garments in which various garment-treating devices (fan and steam assembly in reference 37, vaporizer and blower-heater in reference 38, drying apparatus in reference 39, de-wrinkling and deodorizing apparatus in reference 40) are located at the bottom of, mounted to, and in communication with the enclosure. Ref. 43 discloses an ozone generator for mounting in enclosed spaces such as closets.

The remaining references are discussed on pages 1 and 2 of the application.

It is respectfully requested that these references be considered.

Other Remarks

The specification has been amended to provide a claim to priority of the provisional application 60/543,505.

The Written Opinion of the International Searching Authority states that claims 1 to 8 lack novelty under Article 33(2) as being anticipated by U.S. patent 6,134,806 to Dhaemers, the Examiner stating that the ozone generator of Dhaemers is mounted within the enclosure, citing col. 6, lines 38 to 41, and reference numeral 200 in Fig. 26 thereof.

The Written Opinion also states that claims 9 and 10 lack an

inventive step under Article 33(3) as not being unobvious over Dhaemers in view of the BOMMS Terminator reference, the Examiner stating, with respect to claim 10, that Dhaemers teaches mounting the ozone generator to the enclosure, citing reference numerals 200 and 216 in Fig. 25 thereof.

The Written Opinion further states that claims 11 and 12 lack an inventive step under Article 33(3) as not being unobvious over the BOMMS Terminator reference in view of U.S. patent 5,303,496 to Kowalkowski, the Examiner stating that it would not have been unobvious to modify the method of BOMMS Terminator to place specific scents for training dogs as taught by Kowalkowski in order to allow the dogs to track and hunt an animal.

The Written Opinion also states that claims 13 to 15 lack novelty under Article 33(2) as being anticipated by the Terminator 800 reference, the Examiner stating that the reference teaches placing the device in any room in need of treatment including a hunting lodge since the device is designed to remove odors from hunting clothes.

Claim 16 has been canceled. The Written Opinion further states that claim 17 lacks an inventive step under Article 33(3) as not being unobvious over Terminator 800 and that claim 18 lacks an inventive step under Article 33(3) as not being unobvious over Terminator 800 in view of Dhaemers, the Examiner stating that Dhaemers teaches an zone generator with a hook that can be hung for removing odors, citing col. 8, lines 62 to 66, thereof, and that it would not have been unobvious to modify the Terminator 800 method by mounting the ozone generator to a wall in order to get rid of musty smells.

Claim 19 has also been indicated to not meet the criteria of Article 33(3).

The claims have been amended, claims 9, 16, and 18 canceled, and dependent claims 20, 21, 22, and 23 newly submitted in order

to more clearly define what Applicant regards as the invention. No additional claims fees are occasioned by this Amendment.

As amended, claim 1 does not contain the recitation to without compacting of the enclosure so that the items are receivable therein during the carrying thereof.

Claim 10 has been rewritten in independent form and claim 9 accordingly canceled.

As amended, claim 13 recites that the ozone generator is mounted "within" said room instead of the previous recitation of the ozone generator being mounted "to a wall of" said room. A similar amendment is contained in claim 17 (which is otherwise discussed hereinafter). As amended, claim 13 also recites for descending a hunter's clothing and gear instead of the previous recitation of for descending a hunter and the hunter's clothing and gear. As amended, claim 23, which is dependent on claim 13, as amended, recites that the ozone generator is attached to said room so as to be permanently mounted to a wall within an upper part of said room. Support for this claim 23 amendment may be found at page 7, lines 7 to 9, of the specification as well as original claim 13.

As amended, claim 14 recites using the outside air to create a positive air flow within the descending room. Support therefor may be found at page 7, lines 20 and 21, of the specification.

As amended, claim 17 has been rewritten in independent form and recites leaving from the room through a door which opens directly to the outside of the lodge, and claim 16 as well as claim 18 accordingly canceled. Support for this recitation may be found at page 7, 8<sup>th</sup> and 9<sup>th</sup> lines from the bottom, of the specification.

Support for the recitations in newly submitted dependent claims 20 and 23 may be found in the sentence which spans pages 5 and 6 and at page 7, lines 6 to 8, of the specification.

Support for the recitation in newly submitted dependent claim 21 may be found at page 5, lines 1 to 5, of the specification.

Support for the recitation in newly submitted dependent claim 22 may be found in FIG. 1 of the drawings wherein the enclosure is shown not to have an ozone source which is exterior of the enclosure.

For the reasons provided hereinafter, it is respectfully submitted that the claims, as amended and as newly submitted, are novel and unobvious over the references of record and therefore patentable.

In accordance with the present invention, an ozone generator is provided in combination with a portable enclosure (as a self-contained unit which can be closed to be free of contaminating outside air) wherein the ozone generator is disposed within and mounted to the enclosure, such as by the clip shown at .34 in FIG. 1. It is important that the ozone generator be mounted to the enclosure so that it may be positioned, as designed, in a favorable air flow location and not just haphazardly placed in the enclosure. It is also important that the ozone generator be mounted to the enclosure so that it can be adequately secured to endure dropping and jarring and otherwise rough handling of the portable enclosure.

The ozone generator works by oxidizing the air within the enclosed area of the enclosure. The enclosure (which is disclosed to have only the opening 28, which is zippered shut for use) is provided to limit entry of contaminating outside air associated with humans such as someone smoking, cooking fish, use of perfume or cologne, or use of an air wick which could actually contaminate or add scent to the clothing and gear being descended. While it is correct that air wicks or other deodorizers cover up scents, they also give off scents such as

lemon, which are also not good for hunting. It takes considerable time to neutralize such deodorizers, which can severely hamper the descending process. The limiting of such cross-contamination therefore increases the ability to completely and effectively descent a hunter's clothing and gear.

The ozone generator of the present invention is also mounted within a descending room of a hunting lodge so that it can be built into the room to be positioned at a favorable air flow location, i.e., to a wall within an upper part of the room. It is also important that the descending room be sealed and have an intake of air from outside the lodge (which is less likely to have contaminating human scents) in order to provide a positive air flow for keeping out odors from the rest of the hunting lodge thereby minimizing contaminating scent from the rest of the hunting lodge. In order to keep a hunter and his equipment from becoming recontaminated with hunting lodge odors, it is also important that the descending room have a door providing an outlet directly to the outside of the lodge for use by the hunter after becoming descended.

Also in accordance with the present invention, a dog is trained to detect a scent by placing the scent on an item which has been descended in order to provide more reliable test results, i.e., you can then prove exactly what the dog has accomplished. In order to first descent the item, it is disposed within an enclosure and an ozone generator within the enclosure is operated.

BOMMS Terminator discloses hanging hunting clothes in a closet with an air purification device which is said to harness ozone as well as advanced oxidation and germicidal ultraviolet light to "remove all odors".

BOMMS Terminator does not disclose or suggest mounting of its air purification device to the closet or enclosure, as

provided by the present invention. BOMMS Terminator instead suggests carrying its air purification device by itself, i.e., one would hang the BOMMS Terminator along with clothes in a closet. Thus, in a teaching away from the present invention, BOMMS Terminator teaches its air purification device and closet to not be a single portable unit and that its air purification device may or may not be placed within an enclosure.

Moreover, a typical closet may have spaces around the closet door which would allow the entry of contaminating outside air.

Dhaemers discloses in Figs. 1 to 23 thereof portable sport and equipment bags, and it is said (at col. 9, line 66, to col. 10, line 2, thereof) that the bags can have an upright or vertical orientation having tops that include hanger bars to hold the bags on a fixed rod or support. An external ozone generator is connected by a hose to the bag, which has a zippered closable opening. At col. 6, lines 38 to 41, it is stated that a separate ozone producing unit located in the bag chamber can be used to generate ozone. This "ozone producing unit" is not otherwise shown or described in Dhaemers.

Dhaemers also discloses in Figs. 24 to 29 thereof what is called an "ozone deodorizer" (col. 8, line 13, thereof). This "ozone deodorizer" is shown or disclosed to have Velcro or other anchoring means on the back of the case, and a male electrical plug and the Velcro anchors match in location to a female electrical receptacle and Velcro anchors mounted on a surface of a blower used to provide air for a portable dryer (see col. 8, lines 26 to 31, the second full paragraph of col. 9, and reference numerals 218 and 219 in Figs. 25, 27, and 29 thereof). It is stated that this "ozone generator unit" can be "placed" inside sports bags examples of which is shown in Figs. 1 and 16 thereof (see col. 8, lines 58 to 61, thereof). It is further discussed that this "ozone generator unit" has a rotating hook

used to retain it in a closet or room or can be hung up in a locker such as used in a gym or spa (see col. 8, lines 62 to 66, the first full paragraph of col. 9, and reference numeral 216 in Figs. 24 to 27 thereof). It is further discussed that this "ozone generator unit" has a clip to anchor the unit to car visors (see col. 9, lines 3 and 4, the third full paragraph of col. 9, and reference numeral 221 in Figs. 26 and 27 thereof). It is further stated that, in addition to its use with dryers, there are many uses and applications for a "portable ozone generator unit" (see col. 9, lines 10 to 13, thereof).

Dhaemers does not disclose or teach or suggest an ozone generator disposed within and mounted to its bag or other enclosure or within a descending room, as provided by the present invention and as recited in claims 1, 10, and 17, as amended. The term "mounted" is defined in Webster's New World Dictionary of the American Language, Second College Edition, as "fixed on or in the proper backing, support, setting, etc." and defines "fixed" as "firmly placed or attached; not movable." Thus, Dhaemers does not disclose or suggest attaching its "ozone producing unit" to the bag - only that it can be placed within the bag. There is nothing disclosed within the bag of Dhaemers for attachment of the Velcro material, hook, or clip of the "ozone generator unit". Dhaemers instead teaches other purposes therefor, i.e., the Velcro material for attachment to a blower, the hook for hanging in a closet or room or locker, and the clip for attachment to a car visor. Since the hook cannot be said to firmly place or attach and cannot be said to be not movable, it cannot come within the meaning of "mounted." In any event, Dhaemers does not disclose or suggest the placement of its "ozone generator unit" in a "portable" closet or a "descending" room. Thus, Dhaemers (as well as BOMMS Terminator) does not disclose or teach or suggest disposing within and "mounting" to a portable

enclosure or a descending room an ozone generator, as provided by the present invention, so that it may be positioned, as designed, in a favorable air flow location and not just haphazardly placed in the portable enclosure or descending room and so that it can endure dropping and jarring and otherwise rough handling of the portable enclosure.

Since outside air is being supplied into the Dhaemers bag (see the paragraph which spans cols. 1 and 2 of Dhaemers), the Dhaemers apparatus allows cross-contamination to undesirably continually occur thereby rendering it difficult to effectively remove all scent. If the outside air is heavily polluted, it may overwhelm the capacity of the ozone to descent.

It should also be noted that Dhaemers, either at col. 9, line 66, to col. 10, line 2, or elsewhere therein, does not disclose or suggest that the bag or enclosure can be a closet with a rod positioned for receiving hangers.

Terminator 800 discloses placing and operating an ozone generator in a room or closet where one's hunting clothes are hanging to remove odors therefrom.

Terminator 800 does not disclose or suggest mounting of the ozone generator to the closet or room, as provided by the present invention and as discussed more fully with respect to Dhaemers. As the term "mounted" is defined, as discussed above, the user would not normally be expected to "mount" the ozone generator in a room but would instead simply "place" it somewhere and may not be expected to choose a room with a door directly to the outside. However, if the room is provided as a descending room in a hunting lodge, in accordance with the present invention, it would be sealed against inlet of air from the lodge itself and it would be provided with a door directly to the outside and the ozone generator would be built-in or otherwise suitably mounted (not just placed) at a suitable location in the room.

Kowalkowski discloses a method for training dogs to locate game by applying a scent of the game animal into a projectile which is then fired from a gun to a location to be found by the dog.

Kowalkowski does not teach or suggest first removing all odors from the location to be found by the dog. Such a location, which would be expected to be in an open field or woods or the like, to which the projectile is shot would not normally otherwise be free of other odors. The use of such an un-deodorized location defeats an object of the present invention of achieving reliable test results. Since the Kowalkowski process utilizes an un-deodorized location and does not teach or suggest the desirability of deodorizing it, there is no impetus or motivation in Kowalkowski for combining it with BOMMS Terminator, and, moreover, Kowalkowski accordingly teaches away from the present invention.

Moreover, Kowalkowski does not teach or suggest removing all human scent from the projectile. The projectile itself thus is a source of contamination.

Neither Dhaemers or any other of the references of record, whether taken together or individually, discloses or teaches or suggests portable descending apparatus which comprises an enclosure having a closable opening for receiving items for descending and sized to be portable for carrying in a personal vehicle, and an ozone generator disposed within and mounted to the enclosure for releasing ozone within the enclosure for descending the items, as claimed in claim 1, as amended, so that the enclosure and ozone generator may be designed as a self-contained unit for descending free of outside air contamination and with the ozone generator positioned in a favorable air flow location and not just haphazardly placed in the portable enclosure and so that the ozone generator can endure dropping and

jarring and otherwise rough handling of the portable enclosure. Therefore, it is respectfully submitted that claim 1, as amended, is novel and unobvious over the prior art and therefore patentable.

Neither Dhaemers or BOMMS Terminator or any other of the references of record, whether taken together or individually, teaches or suggests a method for use by a hunter for descending clothing and gear of a hunter while on a hunting trip which comprises carrying on the hunting trip an enclosure in which is received an ozone generator, wherein the ozone generator is mounted to the enclosure; disposing the clothing and the gear in the enclosure; and operating the ozone generator to generate ozone within the enclosure to descent the clothing and gear, as claimed in claim 10, as amended, so that the enclosure and ozone generator may be used as a self-contained unit for descending free of outside air contamination and with the ozone generator positioned in a favorable air flow location and not just haphazardly placed in the portable enclosure and so that the ozone generator can endure dropping and jarring and otherwise rough handling of the portable enclosure. Therefore, it is respectfully submitted that claim 10, as amended, is unobvious over the prior art and therefore patentable.

Neither Kowalkowski or BOMMS Terminator or any other of the references of record, whether taken together or individually, teaches or suggests a method for training an animal to detect a scent which comprises disposing at least one item within an enclosure in which is received an ozone generator; operating the ozone generator to generate ozone within the enclosure to descent the item; applying the scent to the descended item; and using the descended item with the scent applied to train the animal to detect the scent, as claimed in claim 11, in order to provide more reliable test results, i.e., you can then prove exactly what

the dog has accomplished. Therefore, it is respectfully submitted that claim 11 is unobvious over the prior art and therefore patentable.

Neither Terminator 800 or any other of the references of record, whether taken together or individually, discloses or teaches or suggests a descending room in a hunting lodge which is sealable against entrance thereto of odors from the remainder of the lodge and which comprises a door providing an outlet directly to the outside of the lodge, equipment having intake of air only from outside the lodge for controlling environment within the room, and an ozone generator mounted within the room for releasing ozone for descending a hunter's clothing and gear, as claimed in claim 13, as amended, so that a hunter can be effectively descended for hunting by use of a descending room containing a ozone generator which remains positioned in a favorable air flow location and not just haphazardly placed in the room. Therefore, it is respectfully submitted that claim 13, as amended, is novel and unobvious over the prior art and therefore patentable.

Neither Dhaemers or Terminator 800 or any other of the references of record, whether taken together or individually, teaches or suggests a method for use by a hunter at a hunting lodge for descending the hunter and the hunter's clothing and hunting gear which comprises entering a room of the lodge and disposing the clothing and hunting gear in the room; sealing the room against entrance to the room of odors from the remainder of the lodge; operating equipment within the room including intaking air as needed only from outside the lodge to control the environment within the room; operating an ozone generator which is mounted within the room to generate ozone within the sealed room to descent the hunter and the hunter's clothing and hunting gear; and leaving from the room through a door which opens

directly to the outside of the lodge, as claimed in claim 17, as amended, so that a hunter can be effectively descended for hunting by use of a descending room containing a ozone generator which remains positioned in a favorable air flow location and not just haphazardly placed in the room. Therefore, it is respectfully submitted that claim 17, as amended, is unobvious over the prior art and therefore patentable.

Since the other claims, as amended and as newly submitted, are dependent on one or the other of the above independent claims 1, 10, 11, 13, and 17, as amended, it is respectfully submitted that they are also patentable for at least the above reasons respectively.

Since it has been shown that each of the claims, as amended and as newly submitted, pending in this application is patentable, it is respectfully submitted that this application is in condition for allowance, and such is respectfully requested. If it would aid in advancing this application to issue, the Examiner is respectfully urged to call the undersigned attorney for Applicant at the number below.

Respectfully submitted,

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